

EXHIBIT

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Alan L. Williams
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11 **Attorneys for Plaintiff**
12 **Zuffa, LLC**

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 **ZUFFA, LLC, a Nevada limited liability**
16 **company, dba ULTIMATE FIGHTING**
17 **CHAMPIONSHIP,**

18 ***Plaintiff,***

19 **vs.**

20 **PAVIA HOLDINGS, LLC, a California limited**
21 **liability company, dba MMA AGENTS;**
22 **BELLATOR SPORT WORLDWIDE, LLC, a**
23 **Delaware limited liability company;**
24 **DOES 1 through 100, inclusive;**
25 **ROE Corporations and Limited Liability**
26 **Companies 1 through 100, inclusive,**

27 ***Defendants.***

28 **CASE NO: A-10-621865-C**
DEPT. NO.: I

COMPLAINT

**[Arbitration Exempt -
Injunctive Relief Requested]**

Plaintiff, through its attorneys of record, hereby complains against Defendants and alleges
as follows:

IDENTIFICATION OF THE PARTIES

1. Plaintiff, ZUFFA, LLC ("Zuffa"), is a Nevada limited liability company with its
principal place of business located in Clark County, Nevada.



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1 2. Members of Zuffa's senior management include Mr. Lorenzo Fertitta, its
2 Chairman, and Mr. Dana White, its President.

3 3. Defendant PAVIA HOLDINGS, LLC is a California limited liability company
4 that does business as MMA AGENTS ("MMA Agents"). Ken Pavia is the self-described
5 "founder" and "managing partner" of MMA Agents, which regularly does business in Nevada.
6 MMA Agents has also targeted its actions against Zuffa in Nevada.

7 4. Defendant BELLATOR SPORT WORLDWIDE, LLC ("Bellator") is a Delaware
8 limited liability company with a principal place of business in Chicago, Illinois. Zuffa is
9 informed and believes and thereupon alleges that Bellator is qualified to do business in Nevada
10 and, in any event, has targeted its actions against Zuffa in Nevada.

11 5. The true names and capacities, whether individual, corporate, partnership,
12 associate or otherwise of Defendants named herein as DOES 1 through 100, inclusive, and ROE
13 CORPORATIONS and LIMITED LIABILITY COMPANIES 1 through 100, inclusive, and each
14 of them are unknown to Zuffa at this time, and Zuffa therefore sues said Defendants and each of
15 them by such fictitious name. Zuffa will advise this Court and seek leave to amend this
16 Complaint when the names and capacities of each such Defendant have been ascertained.

17 6. Zuffa alleges that each Defendant herein designated as DOE, ROE
18 CORPORATION or LIMITED LIABILITY COMPANY is responsible in some manner for the
19 events and happenings herein referred to as hereinafter alleged and includes individuals and/or
20 entities that are parties to various contracts with Zuffa and are bound by confidentiality provisions
21 contained within said contracts.

22 7. Zuffa is informed and believes and thereupon alleges that DOES 1 through 100,
23 inclusive, ROE CORPORATIONS and LIMITED LIABILITY COMPANIES 1 through 100,
24 inclusive, or some of them are either residents of the State of Nevada and/or were or are doing



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1 business in the State of Nevada and/or have targeted their actions against Zuffa in the State of
 2 Nevada.

3 8. Zuffa is informed and believes and thereupon alleges that at all times material
 4 hereto, Defendants were and are the agents, servants, alter egos or employees of the other named
 5 Defendants, that each of them conspired with the remaining Defendants, and in doing the
 6 wrongful conduct herein alleged, that each of them were acting within the course and scope of
 7 said agency and/or employment or conspiracy, with the knowledge and consent of each other
 8 Defendants and all of them jointly.
 9

10 GENERAL BACKGROUND

11 Zuffa and the Ultimate Fighting Championship®

12 9. Zuffa does business as the Ultimate Fighting Championship® ("UFC®") brand, a
 13 registered trademark.¹ Zuffa is a private company that is the leading promoter of Mixed Martial
 14 Arts ("MMA") contests or exhibitions in the world.
 15

16 10. MMA contests involve bouts between athletes skilled in the various disciplines of
 17 all martial arts including karate, jiu-jitsu, boxing, kick boxing, grappling, wrestling and other
 18 combat sports.
 19

20 History of the UFC®

21 11. The Ultimate Fighting Championship® brand was first organized and operated by
 22 Semaphore Entertainment Group ("SEG"). The first UFC® event was held in 1993. UFC®
 23 bouts take place in a trademarked eight-sided cage known as the Octagon™.
 24

25
 26
 27 ¹ Zuffa® is likewise a registered trademark. Given the frequency with which Zuffa is
 28 mentioned throughout this Complaint, the company has not inserted the registered trademark
 symbol each time its name appears. Nonetheless, the trademark registration further demonstrates
 the lengths to which Zuffa protects its intellectual property.



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12. Concerns and complaints about the unregulated nature of the sport eventually led to MMA events being banned in many states and shunned by most television and cable television providers by the late 1990's.

Zuffa's purchase of the UFC®

13. In early 2001, Zuffa purchased the UFC® brand and set about restructuring MMA into a highly organized and controlled combat sport.

14. The UFC® organization introduced and/or embraced a variety of new regulations to the sport including the implementation of standard rounds of five minutes each, referee stoppages, weight classes, and limitations on permissible striking areas.

15. Due in large part to the active involvement and efforts of Zuffa and its principals, among others, MMA events came to be sanctioned by the world's most prestigious sports regulatory bodies including the Nevada and New Jersey State Athletic Commissions.

Rise in popularity of the UFC® and MMA

16. Since the time Zuffa purchased the UFC® brand and implemented changes to the sport, the popularity of the UFC® brand in particular, and MMA as a whole, have soared.

17. At the time Zuffa purchased the UFC® brand, its MMA events were drawing less than several thousand people per event.

18. Presently, UFC® events regularly sell-out arenas across this country and in many parts of the world, regularly drawing as many as 20,000-plus fans to live events.

19. In addition, UFC® events are now regularly shown on pay-per-view and cable television within the United States and around the world, and are also sold as DVD's through major retail distributors.

20. The popularity of the UFC® brand and MMA have reached new heights as a result of (i) Zuffa's reality television program, The Ultimate Fighter®, which has aired eleven complete



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1 seasons on Spike TV, a cable television channel available to over 90 million homes in the United
2 States, and (ii) Zuffa's recently released video game, UFC 2009 Undisputed™, which has sold
3 more than 3.5 million copies since its release in May 2009.

4
5 **Confidential and Proprietary Information**

6 21. When Zuffa purchased the assets from SEG, two important components of the
7 acquired assets were the intellectual property and confidential and proprietary information that
8 had been developed by SEG.

9 22. Furthermore, over the last nine-plus years that Zuffa has owned and operated the
10 UFC® brand, the company has developed additional intellectual property as well as additional
11 confidential and proprietary information.

12 23. Zuffa possesses and continues to develop confidential and proprietary business and
13 technical information relevant to its operations including, but not limited to, independent
14 contractor and fighter/athlete information, venue contact and pricing lists, vendor lists, strategic
15 plans, pending projects and proposals, production processes and practices, designs, data and
16 results of research, demographic information, contract and agreement forms, marketing and
17 selling strategies and techniques, long range planning, marketing studies, financial and pricing
18 information, compensation data, trade secrets and the like (sometimes referred to herein as "Zuffa
19 Confidential Information and Trade Secrets").

20 24. Zuffa expended significant time, effort, expense and other assets to purchase the
21 intellectual property and trades secrets from SEG as well as to continue to develop and protect the
22 Zuffa Confidential Information and Trade Secrets.

23 25. The Zuffa Confidential Information and Trade Secrets constitute extremely
24 valuable business assets developed by Zuffa over the years.
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26
27
28



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1 26. Zuffa has taken any and all reasonable steps to maintain the secrecy of the Zuffa
2 Confidential Information and Trade Secrets.

3 **Ken Pavia and MMA Agents**

4
5 27. According to various websites under his control, Ken Pavia—who also refers to
6 himself as “*The Pav*”—is a sports agent that heads “the largest and most successful MMA sports
7 management company in the industry.” See www.mmaagents.com. Pavia also boasts that he
8 “make[s] dreams come true.” See www.myspace.com/kenpavia.

9 28. MMA Agents, according to the same websites, is “an industry leader in mixed
10 martial arts sports management” and provides “its clients with lucrative fighting opportunities,
11 sponsorships, appearances, legal assistance, commission compliance, media relations, fighter
12 branding, career guidance, and much more.”

13
14 29. MMA Agents claims it has a roster of over 50 world class mixed martial arts
15 fighters, “forty of which [sic] are current or former Zuffa fighters.”

16 **Bellator**

17 30. As a direct result of the rise in popularity of the UFC® brand, numerous other
18 organizations have started promoting their own MMA events and contests.

19
20 31. Several organizations, however, have sought to compete unfairly against Zuffa and
21 to capitalize improperly on the immense popularity of Zuffa’s UFC® brand by misappropriating
22 Zuffa’s intellectual property, confidential information, and trade secrets. Bellator is one such
23 organization.

24 32. Zuffa is informed and believes and thereupon alleges that Bellator is a MMA
25 promotional company headquartered in Chicago that recently began promoting MMA events in or
26 about 2009 and continues to do so today.



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1 33. According to the company's website, Bjorn Rebney is Bellator's founder and
2 Chief Executive Officer. See www.Bellator.com.

3
4 **The Present Dispute**

5 34. Zuffa is informed and believes and thereupon alleges that on July 4, 2010, Bjorn
6 Rebney sent an e-mail from his address at bjorn@bellator.com to Ken Pavia at
7 kenpavia@mmaagents.com, with a courtesy copy to Tim Danaher at tim@bellator.com, that
8 stated as follows:

9 Ken,

10 Tim and I know that you've been great about sending us "All" of the seminal docs
11 from the UFC, so that we can re-do them and implement them for Bellator.

12 Can you please re-send emails with those attachments. Literally list them 1 -
13 TBD.

14 Please list each in terms of what it is for and how the UFC uses them/implements
15 them.

16 Please also make sure they are attached and correspondingly listed.

17 Then I'm going to have our team Monday re-type them and we will sufficiently
18 alter them such that they will appear to be ours and not theirs.

19 If you can get this over to us late today, that would be great.

20 Thanks,
21 B

22 A true and correct copy of the foregoing e-mail is attached hereto as Exhibit 1.

23 35. Zuffa is informed and believes and thereupon alleges that Pavia responded to the
24 foregoing e-mail on the same day, stating: "Still I [sic] vegas. May take 24 hours to organize as
25 some forms go to the guys in my office." See Attached Exhibit 1.

26 36. Though Zuffa cannot be sure at this point what the universe of "All" its "seminal"
27 documents are that have been provided by Pavia and/or MMA Agents to Bellator, Zuffa is
28



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1 informed and believes and thereupon alleges that such documents include promotional
2 agreements, bout agreements, sponsorship forms, extension letters, injury forms, and the like.

3
4 37. As a self-professed agent for 40 current and former Zuffa fighters, Pavia and
5 MMA Agents would have access to various agreements entered into between its clients and Zuffa.
6 Such access does not, however, entitle Pavia and MMA Agents to distribute said agreements to
7 third parties. To the contrary, all of these agreements contain very explicit confidentiality
8 provisions that have been vigorously enforced by Zuffa.

9
10 38. Zuffa is informed and believes and thereupon alleges that MMA Agents, through
11 Pavia, and Bellator have conspired to misappropriate Zuffa's confidential information and trade
12 secrets in an effort to unfairly compete against Zuffa in the MMA marketplace.

13 FIRST CAUSE OF ACTION

14 (Violation of Uniform Trade Secrets Act (NRS 600A.010, et seq.) – All Defendants)

15 39. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as
16 though fully set forth herein.

17
18 40. Zuffa is the owner of certain trade secrets including, but not limited to, many of the
19 documents described herein as well as the processes, formulas, procedures, methods and like
20 information contained in said documents ("Trade Secrets").

21 41. Zuffa derives independent economic value from its Trade Secrets not being
22 generally known to, and not being readily ascertained by proper means by the public or any other
23 person who can obtain commercial or economic value from the disclosure of the Trade Secrets.

24 42. Zuffa has taken any and all reasonable steps to maintain secrecy of its Trade
25 Secrets.
26



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1 43. At all times relevant hereto, Defendants knew or should have known that the Trade
2 Secrets were owned by Zuffa and no one else and, further, that Zuffa derived independent
3 economic value from the Trade Secrets.
4

5 44. Plaintiff is informed and believes and thereupon alleges that Defendants
6 misappropriated by improper means and for their own purpose the Trade Secrets without the
7 approval of or consent—whether written, oral or implied—of Zuffa.
8

9 45. Plaintiff is informed and believes and thereupon alleges that, at all times relevant
10 hereto, Defendants knew or had reason to know that the Trade Secrets belonged to Zuffa and that
11 they were acquiring Zuffa's Trade Secrets by improper means.
12

13 46. Plaintiff is informed and believes and thereupon alleges that Defendants intended
14 to injure Zuffa or had reason to know that their actions would injure Zuffa as the owner of the
15 Trade Secrets.
16

17 47. Based on the foregoing and pursuant to NRS 600A.040, Zuffa is entitled to
18 injunctive relief enjoining and restraining Defendants from further use or dissemination of the
19 Trade Secrets.
20

21 48. Based on the foregoing and pursuant to NRS 600A.050, Zuffa is entitled to
22 damages for Defendants' misappropriation of Trade Secrets including, but not limited to, any and
23 all losses and unjust enrichment caused by Defendants' misappropriation.
24

25 49. Plaintiff is informed and believes and thereupon alleges that Defendants' actions
26 were willful, wanton, malicious, oppressive, and in reckless disregard of Zuffa's rights thereby
27 entitling Zuffa to exemplary damages pursuant to NRS 600A.050 and attorneys' fees as permitted
28 by NRS 600A.060.

 50. As a legal and proximate cause of Defendants' misappropriation, Zuffa has
sustained damages in excess of \$10,000.



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SECOND CAUSE OF ACTION

(Civil Conspiracy – All Defendants)

51. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as though fully set forth herein.

52. Beginning at a date unknown, but in or about early July 2010, Defendants MMA Agents and Bellator combined, conspired, confederated and agreed with each other and with Doe and Roe Defendants and their agents to accomplish an unlawful objective for the purpose of harming Plaintiff by, among other things, (i) purloining copies of Zuffa's "seminal" operational documents and confidential information, and (ii) slightly altering said documents and information in order to pass it off as Defendants' own all for the purpose of competing unfairly against Zuffa.

53. Defendants' conduct was willful, intentional and without legal justification or excuse. As a legal and proximate cause of Defendants' conduct, Zuffa has sustained damages in excess of \$10,000.

54. Plaintiff is informed and believes and thereupon alleges that Defendants' actions were willful, malicious and oppressive, thereby entitling Zuffa to exemplary damages in an amount to be proven at trial.

55. Plaintiff has been required to retain the services of an attorney to pursue its claims against Defendants and is entitled to reasonable attorney's fees and costs incurred in the prosecution of this action.

THIRD CAUSE OF ACTION

(Breach of Contract – Doe and Roe Defendants)

56. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as though fully set forth herein.



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1 57. Plaintiff and the Doe and Roe Defendants are parties to various contracts
2 including, but not limited to, Exclusive Promotional and Ancillary Rights Agreements, Bout
3 Agreements, Merchandising Agreements, and the like.

4 58. The subject agreements contain explicit confidentiality provisions that are strictly
5 enforced by Zuffa.

6 59. Zuffa has performed all of its obligations under the subject contracts except where
7 excused.

8 60. Zuffa is informed and believes and thereupon alleges that the Doe and Roe
9 Defendants have breached the subject agreements by, among other things, improperly disclosing
10 them—or allowing their representatives and agents to disclose them improperly—to third parties
11 in violation of the confidentiality provisions contained therein.

12 61. As a legal and proximate cause of Defendants' conduct, Zuffa has sustained
13 damages in excess of \$10,000.

14 62. Plaintiff has been required to retain the services of an attorney to pursue its claims
15 against Defendants and is entitled to reasonable attorney's fees and costs incurred in the
16 prosecution of this action.

17
18
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20 **FOURTH CAUSE OF ACTION**

21 **(Breach of the Implied Covenant of Good Faith and Fair Dealing –**
22 **Doe and Roe Defendants)**

23 63. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as
24 though fully set forth herein.

25 64. All contracts in Nevada contain an implied covenant of good faith and fair dealing.

26 65. Plaintiff is informed and believes and thereupon alleges that the conduct of the
27 Doe and Roe Defendants described herein including, but not limited to, the improper disclosure of
28 Zuffa's "seminal" operational documents and confidential information to third party competitors



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1 of Zuffa is unfaithful to the purpose of the agreements between Zuffa and the Doe and Roe
2 Defendants and was not within the reasonable expectations of Zuffa.

3
4 66. As a direct and proximate result of the Doe and Roe Defendants' wrongful
5 conduct, Zuffa has suffered and continues to suffer damages for which there is no adequate
6 remedy at law including, but not limited to, loss of business reputation and goodwill.

7 67. As a further direct and proximate result of the Doe and Roe Defendants' wrongful
8 conduct, Zuffa has suffered damages in excess of \$10,000.

9 68. Plaintiff has been required to retain the services of an attorney to pursue its claims
10 against Defendants and is entitled to reasonable attorney's fees and costs incurred in the
11 prosecution of this action.
12

13 **FIFTH CAUSE OF ACTION**

14 **(Aiding and Abetting/Inducement -- Defendant MMA Agents)**

15 69. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as
16 though fully set forth herein.

17 70. Plaintiff is informed and believes and thereupon alleges that Defendant MMA
18 Agents, through Pavia, aided, abetted, substantially assisted, encouraged and/or induced the Doe
19 and Roe Defendants to disrupt their respective contractual agreements with Zuffa by, among other
20 things, facilitating the disclosure of said agreements to third party competitors of Zuffa despite the
21 existence of valid and binding confidentiality provisions contained therein.
22

23 71. Defendant was aware of its role in promoting the breach by the Doe and Roe
24 Defendants at the time it provided its assistance and encouragement.
25

26 72. Defendant's conduct was willful, intentional and without legal justification or
27 excuse. As a further direct and proximate result of Defendant's wrongful conduct, Zuffa has
28 suffered damages in excess of \$10,000.



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1 73. Plaintiff is informed and believes and thereupon alleges that Defendant's actions
2 were willful, malicious and oppressive, thereby entitling Zuffa to exemplary damages in an
3 amount to be proven at trial.
4

5 74. Plaintiff has been required to retain the services of an attorney to pursue its claims
6 against Defendants and is entitled to reasonable attorney's fees and costs incurred in the
7 prosecution of this action.
8

9 FIFTH CAUSE OF ACTION

10 (Conversion – All Defendants)

11 75. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as
12 though fully set forth herein.

13 76. Zuffa maintains property rights in both the physical copies of its "scminal"
14 operational documents and confidential information as well as certain intangible rights that are
15 merged therein.

16 77. The improper disclosure of Zuffa's operational documents and confidential
17 information by Pavia, MMA Agents, and the Doe and Roe Defendants constitutes a distinct act of
18 dominion wrongfully exerted over Zuffa's personal property.
19

20 78. The improper use by Bellator of Zuffa's operational documents and confidential
21 information in order to conduct its competing business operations constitutes a distinct act of
22 dominion wrongfully exerted over Zuffa's personal property.

23 79. Defendants' conduct is inconsistent with Zuffa's title and rights in its operational
24 documents and confidential information and is further in derogation, exclusion, and defiance of
25 such title and rights.
26



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1 80. Defendants' conduct was willful, intentional and without legal justification or
2 excuse. As a direct and proximate result of Defendants' wrongful conduct, Zuffa has suffered
3 damages in excess of \$10,000.
4

5 81. Plaintiff is informed and believes and thereupon alleges that Defendants' actions
6 were willful, malicious and oppressive, thereby entitling Zuffa to exemplary damages in an
7 amount to be proven at trial.

8 82. Plaintiff has been required to retain the services of an attorney to pursue its claims
9 against Defendants and is entitled to reasonable attorney's fees and costs incurred in the
10 prosecution of this action.
11

12 SIXTH CAUSE OF ACTION

13 (Injunctive Relief)

14 83. Plaintiff incorporates the allegations in the preceding and ensuing paragraphs as
15 though fully set forth herein.

16 84. Zuffa has no plain, speedy or adequate remedy at law to protect it fully against
17 Defendants' ongoing wrongful and intentional conduct.

18 85. Zuffa is entitled to a temporary, preliminary and permanent injunction restraining
19 and enjoining Defendants and any successors or assigns, officers, directors, agents, servants,
20 employees, attorneys, licensees, affiliates and all persons in active concert or participation with
21 Defendants from:
22

23 a. continuing to misappropriate Zuffa's Confidential Information and Trade
24 Secrets and/or its operational documents;

25 b. conducting any business operations utilizing, in any manner whatsoever,
26 Zuffa's Confidential Information and Trade Secrets and/or its operational documents;
27
28



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c. aiding and abetting the improper disclosure by any other party of Zuffa's Confidential Information and Trade Secrets and/or its operational documents; and

d. aiding and abetting the breach of any contract between Zuffa and any other party or otherwise interfering with such contracts.

86. Without the entry of a temporary, preliminary and permanent injunction, Zuffa will suffer irreparable loss and injury, for which there is an inadequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For compensatory damages in excess of Ten Thousand Dollars (\$10,000.00), in an amount to be proven at trial;

2. For exemplary damages in excess of Ten Thousand Dollars (\$10,000.00), in an amount to be proven at trial;

3. For a temporary, preliminary and permanent injunction restraining and enjoining Defendants and any successors or assigns, officers, directors, agents, servants, employees, attorneys, licensees, affiliates and all persons in active concert or participation with Defendants from:

a. continuing to misappropriate Zuffa's Confidential Information and Trade Secrets and/or its operational documents;

b. conducting any business operations utilizing, in any manner whatsoever, Zuffa's Confidential Information and Trade Secrets and/or its operational documents;

c. aiding and abetting the improper disclosure by any other party of Zuffa's Confidential Information and Trade Secrets and/or its operational documents; and



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1 d. aiding and abetting the breach of any contract between Zuffa and any other
2 party or otherwise interfering with such contracts.
3

4 4. For pre-judgment and post-judgment interest, as allowed by law;

5 5. For attorney fees and costs of suit incurred herein, as allowed by law, in an amount to
6 be determined; and

7 6. For such other and further relief as the Court may deem just and proper.

8 DATED this 28th day of July, 2010.

9 CAMPBELL & WILLIAMS

10
11 By /s/ Donald J. Campbell

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16 Attorneys for Plaintiff
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EXHIBIT 1

EXHIBIT 1

Colby Williams

Subject: FW: CONFIDENTIAL UFC

From: kenpavia@mnaagents.com [mailto:kenpavia@mnaagents.com]
Sent: Sunday, July 04, 2010 1:57 PM
To: Bjorn Rebney
Cc: Tim Danaher; Julian Gregorio C; Danny L C; Nate Brodnax C
Subject: Re: CONFIDENTIAL UFC

Still I vegas. May take 24 hours to organize as some forms go to the guys in my office.

Sent from my Verizon Wireless BlackBerry

From: "Bjorn Rebney" <bjorn@bellator.com>
Date: Sun, 4 Jul 2010 12:51:32 -0500
To: 'Ken Pavia' <KenPavia@MMAagents.com>
Cc: 'Mr. Tim Danaher' <tim@bellator.com>
Subject: CONFIDENTIAL UFC

Ken,

Tim and I know that you've been great about sending us "All" of the seminal docs from the UFC, so that we can re-do them and implement them for Bellator.

Can you please re-send emails with those attachments. Literally list them 1 - TBD.

Please list each in terms of what it is for and how the UFC uses them/implements them.

Please also make sure they are attached and correspondingly listed.

Then I'm going to have our team Monday re-type them and we will sufficiently alter them such that they will appear to be ours and not theirs.

If you can get this over to us late today, that would be great.

Thanks,

B